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OFFICE OF PETITIONS

In re Application of :
Bedell, et al. :
Application No. 09/883,502 : ON PETITION
Filed: June 19, 2001 :
Attorney Docket No. 53470.003037 :
For: REPORT SYSTEM AND METHOD :
USING PROMPT OBJECTS :

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application was held abandoned due to applicants' failure to properly reply within three months to the non-final Office action, mailed December 30, 2005. A review of the application file reveals that a request for a two month extension of time and a Notice of Appeal were filed on May 30, 2006. However these documents were directed to application no. 09/883,303. The Office contended that this application became abandoned on May 31, 2006 for failure to file a proper follow-up submission to the May 30, 2006 Notice of Appeal. A Notice of Abandonment was mailed on October 31, 2006. Petitioners have explained that the Notice of Appeal and Petition for Extension of Time from another application was mistakenly filed via EFS on May 30, 2006.

Applicants have submitted an amendment in reply to the December 30, 2005 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the December 30, 2005 non-final Office action, and the petition fee.

The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioners are required to provide a statement to that effect.

All of the requirements for revival under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision the application will be forwarded to Technology Center AU 2178 for consideration of the amendment filed on January 16, 2007.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



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